

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF ALABAMA, SOUTHERN DIVISION**

NANCY MARTIN and)
MARY BETH BRACKIN,)
)
 PLAINTIFFS,)
 vs.) CASE NO: 1:05cv1172-F
)
 CITY OF DOTHAN; JUDGE ROSE)
 EVANS-GORDON, officially, and in her)
 Individual capacity; CITY OF DOTHAN)
 POLICE DEPARTMENT; CHIEF JOHN)
 POWELL, Chief of Dothan Police Department,)
 in his official capacity ,)
)
 DEFENDANTS.)
 _____)

**PLAINTIFFS' MOTION TO STRIKE THE CITY OF DOTHAN
POLICE DEPARTMENT AS A PARTY DEFENDANT**

The Plaintiffs moves this Court to strike the City of Dothan Police Department as a party to these proceedings. For reasons stated in their brief in opposition to the Defendants' Motion to dismiss, in spite of a potential redundancy it is necessary to retain the Chief of Police, Defendant John Powell but no such considerations require maintaining an action against the entity of which Chief Powell is employed. Complete relief should be available from the remaining parties.

Respectfully submitted, this 6th day of January 2006.

s/Ishmael Jaffree
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January 2006 electronically served a copy of the foregoing Motion to Strike with the Clerk using the CM/ECF system which will send notification to F. Lenton White who has entered an appearance on behalf of the Defendants.

s/ Ishmael Jaffree
Ishmael Jaffree